

HOUSE BILL No. 1432

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-33-7-2.3.

Synopsis: Bail in domestic violence cases. Provides, with certain exceptions, that if a person is arrested without a warrant for domestic battery, harassment, or stalking, the determination of the terms under which the person will be admitted to bail must be individually made by a judicial officer, and the order concerning bail must include an order prohibiting the arrested person from having any contact with the victim of the arrested person's alleged offense.

Effective: July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1432

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-33-7-2.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 2.3. (a) Except as provided in subsection (b), if a**
4 **person is arrested without a warrant for domestic battery**
5 **(IC 35-42-2-1.3), harassment (IC 35-45-2-2), or stalking**
6 **(IC 35-45-10-5):**
7 **(1) the determination of the terms under which the person will**
8 **be admitted to bail, including the amount of the bail:**
9 **(A) must be individually made by a judicial officer; and**
10 **(B) may be made at the probable cause determination**
11 **hearing under section 2 of this chapter; and**
12 **(2) the order concerning bail for the arrested person must**
13 **include, as a condition of the arrested person being admitted**
14 **to bail, a no contact order prohibiting the arrested person**
15 **from having any contact with the victim of the arrested**
16 **person's alleged offense.**
17 **(b) Subsection (a) does not apply if:**



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1 (1) the judicial officer, at a proceeding under section 2 of this
2 chapter, determines that the facts submitted do not establish
3 probable cause;
4 (2) the prosecuting attorney informs the judicial officer that
5 domestic battery, harassment, or stalking charges will not be
6 filed against the arrested person; or
7 (3) a law enforcement officer responsible for the custody of
8 the arrested person determines, before the proceeding under
9 section 2 of this chapter, that probable cause does not exist to
10 support the arrest for domestic battery, harassment, or
11 stalking.

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